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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,814	03/30/2001	Miklos Csore	4175	6646

7590

08/27/2002

THE REILLY INTELLECTUAL PROPERTY LAW FIRM, P.C.
1554 Emerson Street
Denver, CO 80218

EXAMINER

MAHATAN, CHANNING

ART UNIT PAPER NUMBER

1631

DATE MAILED: 08/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,814

Applicant(s)

CSORE ET AL.

Examiner

Channing S. Mahatan

Art Unit

1631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Attachment for PTO-948.

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DETAILED ACTION

ART UNIT DESIGNATION

The Group and/or Art Unit designated for this application has changed. Applicants are hereby informed that future correspondence regarding this application should be directed to Group Art Unit 1631.

OBJECTION BY DRAFTSMAN

Applicants are hereby notified that the required timing for correction of drawings has changed. See the last 6 lines on the sheet, which is attached, entitled "Attachment for PTO-948 (Rev. 03/01 or earlier)". Due to the above notification applicants are required to submit drawing corrections with the time period set for responding to this Office action. Failure to respond to this requirement may result in abandonment of the instant application or a notice of a failure to fully respond to this Office action.

CLAIMS UNDER EXAMINATION

Claims herein under examination are claims 1-30.

Claims Rejected Under 35 U.S.C. § 112 2nd Paragraph

The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-30 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

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VAGUE AND INDEFINITE

Claims 1 (lines 1-4), 10 (lines 1-6), 12 (lines 1-6), and all claims dependent therefrom are indefinite due to the lack of clarity of the claim language failing to recite a final process step, which agrees back with the preamble. For example, the preamble of claim 1 states that it is “a programmable method of managing and tracking blood products between a plurality of remote patient facilities and a central blood testing facility”, however the claim recites a final step of preparing and storing a patient identification into database. Various aspects are listed in the preamble of the method and systems which fails to require any of the above aspects in the actual steps; i.e. in claim 1 a) programmable; b) method of tracking; c) method of managing; and d) between a plurality of remote patient facilities and a central blood testing facility. There is no indication that intended aspects of the preamble(s) are to be utilized as resuscitated. While minor details are not required in method/process claims,⁹ at least the basic step must be recited in a positive, active fashion. Clarification of the metes and bounds of the claim is requested via clearer claim wording.

Claims Rejected Under 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-30 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Cox et al.

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Cox et al. describes a network electronic blood release system (EBRS) which was developed for computer cross-matching within the laboratory (Hunter Area Pathology Service) and at sites remote from the transfusion laboratory, thereby improving blood availability, conserving blood stocks, and reducing crossmatch-to-transfusion ratios (Abstract; Background section). Further, the EBRS software was tested and validated to Australian software standards (Abstract; Study Design And Methods section). The Hunter Area Pathology Service provides pathology and transfusion medicine services to three major university-affiliated teaching hospitals, five district referral hospitals, and six community hospitals (page 960, Column 2, lines 18-21). Utilizing barcode technology blood unit information is entered into the hospital blood bank software (page 961, Column 1, lines 29-31). Cox et al. illustrates by flow chart, in Figure 1, the establishment of an EBRS record for a patient, wherein 1) a sample is typed and screened; 2) the typing is repeated; 3) current/historical patient identification is checked against blood type; 4) current/historical record of RBC antibodies; and 5) 14-day expiration for patient record (if the patient has received a transfusion within 3 months or is pregnant the patient record expires after 72 hours) (page 961, Columns 1-2, lines 31-52 and 1-10, respectively). A label is printed if the donor unit is valid, followed by a second label when the donor unit is selected for release (page 961, Column 2, lines 19-26). Utilizing a flow chart, the authors illustrate the release of blood by EBRS for a patient (Figure 2 and page 962, Column 1, lines 1-2). Thus, Cox et al. clearly anticipate the claimed invention.

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OBJECTION TO DISCLOSURE

The disclosure is objected to because of the following informalities:

The specification on pages 15 and 17, Tables I and II, respectively, requires line spacing correction. The specification is required to be either double-spaced or at least 1 ½ spaced and not single-spaced.

Appropriate Correction Is Required.

No Claims Are Allowed.

EXAMINER INFORMATION

Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993) (See 37 C.F.R. § 1.6(d)). The CM1 Fax Center number is either (703) 308-4242 or (703) 305-3014.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Channing S. Mahatan whose telephone number is (703) 308-2380. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Woodward, Ph.D., can be reached on (703) 308-4028.

Any inquiry of a general nature or relating to the status of this application should be directed to Patent Analyst, William Phillips, whose telephone number is (703) 305-3482 or to the Technical Center receptionist whose telephone number is (703) 308-0196.

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Date: August 21, 2002

Examiner Initials: *CSM*

Ardin H. Marschel
ARDIN H. MARSCHEL
PRIMARY EXAMINER